

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTIONS 12-5-2, 12-5-3, 12-5-4, 12-5-6, 12-5-11, 12-5-13, 12-5-14, 12-5-15, PARAGRAPHS (7), (8), (10) OF SECTION 12-5-5, PARAGRAPHS (2), (3), (4) OF SECTION 12-5-8, AND PARAGRAPH (4) OF SECTION 12-5-10 OF CHAPTER 12-5 OF TITLE 12 OF THE ROCHESTER CODE OF ORDINANCES RELATING TO DISCHARGES OF FATS, OIL AND GREASE.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 12-5-2 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices (BMPs) means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. For purposes of this chapter, best management practices include procedures and practices that reduce the discharge of fat, oil, and grease (FOG) to the building sewer and to the POTW.

Design liquid depth means the depth of liquid in the tank when it's at the normal operating level.

Effective date means the date set forth in the ordinance creating and enacting this chapter upon which the regulatory provisions of this chapter take effect.

Food service establishment (FSE) means an operation or enterprise subject to licensure by the county public health department, Minnesota Department of Agriculture, or other state-licensed agencies, or an establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

Gravity grease interceptor means a grease interceptor identified by volume, retention time, and gravity separation. For purposes of this chapter, a gravity grease interceptor has a minimum volume of 1,000 gallons, minimum two-compartment tank, and is typically located underground, usually outside of a building, that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

Grease interceptor means a device designed and installed so as to separate and retain fats, oils, and grease from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

Hydromechanical grease interceptor means a grease interceptor that incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or

separately. For purposes of this chapter, a hydromechanical grease interceptor is a small grease capturing device, usually located within a building.

Manager means the City of Rochester Deputy Public Works Director of Environmental Services, or their designee.

Nonroutine inspection means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

Person means an individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Publicly owned treatment works (POTW) means the publicly owned treatment works that is comprised of the sanitary sewer system, including treatment plant and collection infrastructure, operated by the city's public works department.

Routine inspection means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

Section 2. Section 12-5-3 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-3. – Grease interceptors.

- (a) Waste pretreatment that complies with this chapter is required before an FSE may discharge fats, oils, or grease into the POTW.
- (b) Except as otherwise provided in this section, any FSE shall discharge all greasy waste from fixtures or sources in food preparation or cleanup areas, including floor drains, trough drains, floor sinks, mop sinks, pre-rinse sinks, and three-compartment (scullery) sinks, through which fats, oils, or grease may be discharged into the POTW into a properly maintained and functioning grease interceptor that complies with the installation and sizing requirements of the plumbing code as adopted by the state and in compliance with this chapter.
 - (1) When a gravity grease interceptor is installed, the discharge from commercial dishwashers, garbage disposals, and prep sinks shall also flow into the gravity grease interceptor.
 - (2) Commercial dishwashers not discharging into a gravity grease interceptor shall have an associated three-compartment (scullery) sink installed to allow for the collection of greasy waste.
 - (3) Garbage disposals or food grinders are prohibited in new construction or renovation of a structure designed to house an FSE with a hydromechanical grease interceptor.
- (c) Except as otherwise provided in this chapter, new FSEs proposed or constructed after the effective date shall be equipped with a grease interceptor that complies with the requirements of the plumbing code as adopted by the state and this chapter prior to commencement of any discharge into the POTW.
- (d) Any permitted construction shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for such construction by the city building official or designee.

- (e) Except as otherwise provided in this chapter, existing FSEs that are not equipped with a grease interceptor or that are equipped with a grease interceptor that does not comply with the most recent plumbing code as adopted by the state, shall install a compliant grease interceptor on a date deemed appropriate by the ~~wastewater utility manager~~ manager after initial inspection of the FSE, when any of the following applies:
 - (1) An FSE within a building or facility that exists on the effective date and application is thereafter made for a building or plumbing permit ~~for the expansion of~~ at the FSE within the facility;
 - (2) There is a change of ownership of an FSE within a building or facility that exists on the effective date;
 - (23) The FSE discharges necessitate increased maintenance on the POTW in order to keep stoppages from occurring therein as determined by the ~~wastewater utility manager~~ manager; or
 - (34) An FSE is not adequately retaining FOG when quantities above FOG discharge limits of 100 milligrams per liter as are found by use of an EPA-approved method for testing oil and grease in wastewater, in reference to Standard Methods for the Examination of Water and Wastewater, Oil and Grease, method 5520.
- (f) Existing FSEs that are not equipped with a grease interceptor shall pay a surcharge fee of \$50.00 per month for additional services required to remove and treat the addition of excessive FOG to the POTW. FSEs that have obtained an exemption for grease interceptor installation; excluding exemptions granted under 12-5-4 (4), are not subject to the \$50.00 surcharge fee until there is a change in operations that affects FOG discharge or until 12-5-3(e) applies. FSEs that have obtained an exemption under 12-5-4 (4) are subject to the \$50.00 surcharge fee.

Section 3. Section 12-5-4 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-4. – Exemption from grease interceptor installation requirement.

Any FSE that wishes to be exempt from a grease interceptor installation requirement, must file an exemption form with the ~~wastewater utility manager~~ manager who has the authority to approve the exemption if:

- (1) The FSE is in a building or facility that operates multiple FSEs and a common gravity grease interceptor may be installed for the entirety of the building in which the building property owner is therein responsible and liable along with the owner of each FSE served by a grease interceptor for the servicing and maintenance of that grease interceptor; or
- (2) Only catered meals are distributed and consumed and all dishes, pans, utensils, etc., are removed and cleaned at an approved facility with properly operating and sized grease interceptors; or
- (3) Only pre-packaged foods are served and no oil, grease, or other products containing grease are washed down sinks or drains; or
- (4) The FSE demonstrates to the reasonable satisfaction of the Manager that installation of a grease interceptor is not feasible due to physical constraints. The Manager may grant an exemption allowing the FSE to install alternative treatment technology

determined by the Manager to be effective at adequately controlling the release of FOG into the public sanitary sewer system. The FSE bears the burden of demonstrating that the installation of a grease interceptor is not feasible.

Section 4. Section 12-5-6 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-6. – Operation, maintenance and cleaning of grease interceptors.

- (a) The building owner or operator of an FSE that is required to pass wastewater through a grease interceptor shall operate and maintain the grease interceptor so that wastewater exiting the grease interceptor shall not exceed the discharge limit of 100 milligrams per liter of FOG or cause POTW buildup of FOG.
- (b) The building owner or operator of the FSE shall cause the grease interceptor to be cleaned as hereinafter required when FOG and solids reach 25 percent of the design liquid depth of the grease interceptor, or sooner if necessary to prevent carry-over of grease from the grease interceptor into the POTW. If, prior to cleaning, FOG and solids have exceeded 25 percent of the design liquid depth in the grease interceptor, cleaning frequency must be increased. At a minimum, all grease interceptors shall be cleaned and inspected at three-month intervals.
- (c) FSEs that have an extended shutdown of operations or have a minimal discharge of grease may submit to the ~~wastewater-utility manager~~ manager for an exception to clean their grease interceptor at a frequency less often than every three months.
- (d) All personnel cleaning a grease interceptor must complete the course of training offered by the ~~wastewater-utility manager~~ manager in the cleaning of grease interceptors and maintain certification.
- (e) Any person who cleans a grease interceptor shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor shall:
 - (1) Measure and record the depths of solids on the bottom and FOG on the top of the grease interceptor. Also, record the total percent of FOG and solids compared to the design liquid depth.
 - (2) Completely empty and remove the contents (liquids and solids) of all vaults of the grease interceptor, and remove the grease mat and scrapings from the interior walls.
 - (3) Dispose of waste and wastewater removed from a grease interceptor at the wastewater utility or at a facility approved for disposal of such waste. Waste and wastewater removed from a grease interceptor shall not be discharged to any public or private sanitary or storm sewer system.
 - (4) Not deposit waste and wastewater removed from a grease interceptor back into the grease interceptor from which the waste or wastewater was removed or into any other grease interceptor for the purpose of reducing the volume of waste and wastewater to be disposed of.
 - (5) Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the ~~wastewater-utility manager~~ manager.

- (6) Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the ~~wastewater utility manager~~ manager, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.
- (f) As part of each cleaning of a grease interceptor, the building owner or operator of the FSE, or the licensed waste hauler employed by the building owner or operator, shall perform the following maintenance activities:
 - (1) Check that the sanitary tees on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
 - (2) Verify that the baffle is secure and in place.
 - (3) Inspect the grease interceptor for any cracks or other defects.
 - (4) Check that lids are securely and properly seated after completion of cleaning.
 - (5) Check that the flow restrictor is secure.
 - (6) Completely fill out the cleaning and maintenance log sheet provided by the ~~wastewater utility manager~~ manager and kept at each FSE.
- (g) The ~~wastewater utility manager~~ manager may make exceptions to the above requirements, or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the ~~wastewater utility manager~~ manager.

Section 5. Section 12-5-11 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-11 – Enforcement.

The ~~wastewater utility manager~~ manager is authorized to enforce this chapter as hereinafter provided. This shall not be construed to prohibit any other city officer, including the city engineer and building official, from enforcing the provisions of this chapter related to their specific functions. The city building official or designee, or such other governmental official hereafter designated by the ~~wastewater utility manager~~ manager, is also authorized to enforce this chapter.

Section 6. Section 12-5-13 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-13. – Service of notice of violation.

Whenever the ~~wastewater utility manager~~ manager or other city official determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, they shall give notice of such alleged violation to the person responsible therefor as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations for which the notice is being issued;

- (4) Specify a reasonable time for the performance of any act it requires; and
- (5) Be served upon the owner or the operator of the FSE as the case may require. Such notice shall be deemed to be properly served upon such owner, operator, or occupant if personally served on any of them, or if a copy is left at the location of the FSE with a person of suitable age and discretion, or by depositing in the United States Post Office, the notice addressed to the owner at the owner's last-known address with postage prepaid thereon; or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions, which, if taken, will effect compliance with the provisions of this chapter.

Section 7. Section 12-5-14 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-14. – Violations.

- (a) No owner or operator of an FSE shall, except when an exception has been granted by the ~~wastewater utility manager~~ manager, do any of the following:
 - (1) Operate an FSE without a compliant grease interceptor;
 - (2) Fail to maintain the grease interceptor as required by this chapter;
 - (3) Fail to keep records related to the maintenance of the grease interceptor;
 - (4) Knowingly make any false statements, representation or certification in any application, maintenance record, or other document filed or required to be maintained pursuant to this chapter; or
 - (5) Fail to comply with the provisions of a notice of violation or conditions of an exception issued by the ~~wastewater utility manager~~ manager.
- (b) Violations of this chapter shall be a misdemeanor.

Section 8. Section 12-5-15 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-15 – Additional remedies.

The ~~wastewater utility manager~~ manager or the city is not precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief or for recovery of investigational or remedial costs resulting from a noncomplying discharge. Nothing in this chapter shall be construed to require that formal charges be brought in order for the city to pursue its other civil remedies.

Section 9. Paragraphs (7), (8) and (10) of Section 12-5-5 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-5. – Installation of grease interceptors.

- (7) Gravity grease interceptors shall be sized and installed in accordance with the requirements of the plumbing code as adopted by the state and in accordance with this chapter. Gravity grease interceptors shall have a minimum capacity of 1,000 gallons and shall not exceed 3,000 gallons for a single unit. Where a capacity greater than 3,000 gallons is required, several smaller units shall be installed in series. If an FSE wishes to install a gravity grease interceptor smaller than 1,000 gallons or larger than 3,000 gallons, the owner of the FSE must file an exemption form with the ~~wastewater utility manager~~ manager with sufficient evidence that the interceptor can be cleaned and maintained properly.
- (8) Gravity grease interceptors shall have access manholes with a minimum diameter of 24 inches over each chamber and sanitary tee. Access manholes shall extend from the gravity grease interceptor to at least the finished surface grade and be designed and maintained to prevent stormwater or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal. If an FSE wishes to install a gravity grease interceptor with manhole lids smaller than 24 inches, the owner of the FSE must file an exemption form with the ~~wastewater utility manager~~ manager with sufficient evidence that the interceptor can be cleaned and maintained properly.
- (10) Gravity grease interceptors shall be designed and manufactured in accordance with the plumbing code as adopted by the state and this section. Concrete tank gravity grease interceptors shall be approved by building safety officials and constructed out of polymer concrete concrete with admixtures and/or coatings in order to decrease problems associated with corrosion or decaying of poured concrete in sanitary sewer applications.

Section 10. Paragraphs (2), (3), and (4), of Section 12-5-8 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-8. – Inspection of grease interceptors and related sewers and equipment.

- (2) Allow personnel authorized by the ~~wastewater utility manager~~ manager or by the city building official or designee, bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.
- (3) Upon request by the ~~wastewater utility manager~~ manager, open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including, but not limited to, baffles, influent and effluent tees, and that all grease interceptors and related equipment and piping is maintained in efficient operating condition.
- (4) Accommodate compliance inspections and sampling events by the ~~wastewater utility manager~~ manager or of the city building official. The ~~wastewater utility manager~~ manager may conduct routine inspections and sampling events of any FSE. Non - routine inspection and sampling events shall occur more frequently when there is a

history of noncompliance with this ordinance and when blockages occur in the city's sanitary sewer system downstream of the FSE.

Section 11. Paragraph (4) of Section 12-5-10 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-5-10 – Fees.

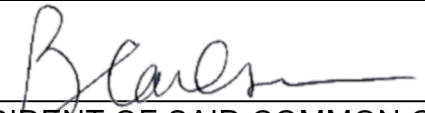
- (4) *Notice of violation.* Any FSE that has been issued a notice of violation shall submit a correction plan to the satisfaction of the ~~wastewater utility manager~~ manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

Section 12. This ordinance shall become effective from and after its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 6th [REDACTED] December

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS [REDACTED]




MAYOR OF SAID CITY